

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

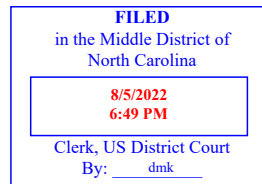
United States of America

v.

JAMES PATRICK HONOHAN

DOB: 10/31/1988

Case No. 1:22mj310



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 21, 2022 in the county of Cabarrus in the
Middle District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252A(a)(5)(B)

Possession of child pornography

This criminal complaint is based on these facts:
 See attached affidavit.

☒ Continued on the attached sheet.

/S/ Griffin C. Templeton

Complainant's signature

Griffin C. Templeton, HSI Special Agent

Printed name and title

On this day, the applicant appeared before me via reliable
 electronic means, that is by telephone, was placed under
 oath, and attested to the contents of this Criminal
 Complaint and attached affidavit in accordance with the
 requirements of Fed. R. Crim. P. 4.1.

Date:

8/5/2022

City and state:

Winston-Salem, North Carolina

Judge's signature

Joi Elizabeth Peake, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN
ARREST WARRANT AND A CRIMINAL COMPLAINT**

I, Griffin C. Templeton, a Special Agent with Homeland Security Investigations, being duly sworn, depose and state as follows:

AFFIANT

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been since March 2020.

2. I received extensive training at the Federal Law Enforcement Training Center in Glynco, Georgia, in numerous areas of federal law, including instruction in child exploitation investigations. I have also received instruction on sex crimes investigations, crime scene investigation, human trafficking, and interview and interrogation. Throughout the course of my law enforcement career, I have participated in multiple investigations involving the possession, distribution, and production of Child Pornography. I hold a Bachelor of Science Degree in Criminology. During my tenure as a criminal investigator I have personally viewed and identified images of child pornography.

3. I am currently assigned to the Charlotte field office and have investigated child exploitation for over two years. Prior to becoming a Special

Agent for HSI, I served as a Special Agent for the North Carolina State Bureau of Investigation (NCSBI) from July 2015 through March 2020.

4. I have supported numerous HSI investigations through investigative research and analysis, to include investigations of cybercrime. I am familiar with, and have employed, investigative techniques used in these investigations. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. § 2252A.

PURPOSE OF AFFIDAVIT

5. This affidavit is made in support of a criminal complaint and arrest warrant for James Patrick HONOHAN, date of birth October 31, 1988, for violation of Title 18, United States Code, Section 2252A(a)(5)(B), possession of child pornography.

SOURCES OF INFORMATION

6. The statements in this affidavit are based on information provided to me by other law enforcement officers, including, but not limited to HSI employees, the NCSBI, the Cabarrus County Sheriff's Office (CCSO), and my own investigation. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint and establishing probable cause for the issuance of an arrest warrant for HONOHAN, I have not included each and every fact known to me concerning this investigation.

PROBABLE CAUSE

7. In January of 2022, the CCSO was conducting a proactive online undercover investigation to identify and target adults who were actively seeking minors through various online platforms with the intention to solicit said minors to engage in sex acts.

8. During the investigation, CCSO detectives utilized undercover accounts on various online platforms imitating minor children. As part of the undercover operation, accounts were created on various social media applications, including Whisper¹ and Snapchat², known to be open to both children and adults. The accounts were created by CCSO detectives identifying the accounts as being associated with an underage person (a person under the age of 18). Additionally, images of law enforcement officers posing as children were utilized with the accounts. CCSO Detective and Homeland Security Investigations (HSI) Task Force Officer (TFO) Rickard was one of the detectives acting in an undercover capacity.

9. From on or about January 17, 2022, through January 21, 2022, Detective Rickard posed as a 15-year-old female, hereafter, "Sweetsam," using undercover accounts "sweetsam07" on Whisper and "sweetsammy2007" on

¹ Whisper is a mobile application made by WhisperText, LLC and is a form of anonymous social media, allowing users to post and share photo and video messages anonymously.

² Snapchat is a mobile application made by Snap, Inc. that allows users to share photos, videos, and texts.

Snapchat. An individual, later identified as James Patrick HONOHAN contacted “sweetsam07” on the Whisper application utilizing the username “Anon” and continued the conversation on the Snapchat application utilizing the username “gt_fo2020.” Over the course of the conversation occurring on both applications, HONOHAN made sexually explicit comments and sent an image of a penis to and encouraged, discussed and planned have sexual intercourse with a person he thought was a 15-year old pregnant girl.

10. On January 21, 2022, at approximately 12:20 PM, Detective Rickard, posted the following message to the social media application Whisper from an undercover account identified as “sweetsam07”, stating “my life is over...15 and pregnant...”. That same day at approximately 12:40 PM., HONOHAN using the display name “Anon” contacted Sweetsam through Whisper and said, “have some more fun” and “get some more dick”. HONOHAN asked, “U ever alone at home” and subsequently asked if Sweetsam had “Snap” (Snapchat). Sweetsam then sent HONOHAN the username for Sweetsam’s Snapchat account.

11. Sweetsam opened the Snapchat application under the “sweetsammy2007” and found a new friend addition with the name GT FO, username gt_fo2020. Using this username, HONOHAN sent a message and Sweetsam continued the conversation started on Whisper. During the conversation, HONOHAN inquired who Sweetsam lived with, if Sweetsam had

nosey neighbors, and if someone could come pick Sweetsam up. HONOHAN suggested that Sweetsam “have a little fun” to take Sweetsam’s mind off things. When Sweetsam inquired as to what specifically that meant, HONOHAN responded, “what kind u think silly”. At that time, Sweetsam re-established knowledge of age by stating “the weather’s really crappy out and I don’t really have any money” and “I don’t have a job since I’m only 15 and my dad hasn’t given me my allowance this week since schools been out.”

12. HONOHAN responded, “Well u don’t need money if you’re already potentially preggo, u might as well have as much fun as u can.” HONOHAN went on to inquire how much sex Sweetsam had and if there were things Sweetsam wanted to try that Sweetsam had not before. When asked what HONOHAN was interested in, HONOHAN responded “I’m interested to see how u look on top of me hehe Could be fun,” followed by a winking face emoji. HONOHAN also asked “u down to try?” Sweetsam asked HONOHAN if he would wear a condom and he replied “I got no problem with that.” During the remainder of the conversation, HONOHAN indicated that he was between the ages of 18 and 35 years old, said he lived in Stanly County, identified himself as Jay, and sent a picture of his erect penis and a picture displaying half of his face.

13. Later on January 21, 2022, HONOHAN agreed to come pick Sweetsam up and suggested taking Sweetsam back to HONOHAN’s house.

Sweetsam identified Cold Springs United Methodist Church, located at 2550 Cold Springs Road, Concord, North Carolina, as the location Sweetsam could meet HONOHAN. HONOHAN agreed to pick Sweetsam up at the church, and go to another location. At approximately 2:35 PM, HONOHAN indicated that he was on his way but would not provide a description of his vehicle. HONOHAN said "Don't do that please I'm nervous too." Later, HONOHAN identified himself as driving a green chevy car.

14. Detective Rickard conducted a search of law enforcement records based on the information provided by HONOHAN and identified a possible suspect as James Patrick HONOHAN. According to law enforcement records, HONOHAN is a registered sex offender identified as a recidivist (repeat offender), in that: in 2010 he was convicted in Guilford County Superior Court of Solicitation of a Child by Computer in violation of North Carolina General Statute (N.C.G.S) 14-202.3 and Third-Degree Sexual Exploitation of a Minor, in violation of NCGS 14-190.17; and in 2015 HONOHAN was convicted of Indecent Liberties with a Child, in violation of N.C.G.S. 14- 202.1 and was still on parole at the time of the inquiry. Records also showed that HONOHAN owned a 1997 Chevy Cavalier with NC Registration number HCK-3427.

15. At approximately 3:25 PM, HONOHAN directed Sweetsam to a set of dumpsters near the church in Concord, previously identified. Undercover officers at the meeting location observed a green in color Chevy Cavalier pull

into the parking lot at the church. Undercover officers saw that the Chevy Cavalier displayed the NC registration plate HCK-3427. Additionally, the officers saw a white male driver matching the image sent by HONOHAN to Sweetsam in the Chevy Cavalier.

16. A traffic stop was initiated, and the driver was identified as HONOHAN. An Apple iPhone 7 Plus was visible in plain view on the center console of the vehicle and was seized. In a subsequent search of his vehicle CCSO Detectives located condoms inside the vehicle and alcoholic beverages in a cooler. HONOHAN was arrested and transported to the CCSO to be interviewed.

17. The interview was conducted by CCSO Detective J. Fetzer at the CCSO. Detective Fetzer advised HONOHAN of his right to counsel with regard to *Miranda* and HONOHAN voluntarily waived his right to counsel and agreed to speak to Detective Fetzer without an attorney present.

During the interview, HONOHAN admitted to having chatted with who he believed to be a minor child, to driving to the meet location to meet with a minor child to have sex and other conduct related to undercover operation.

18. HONOHAN admitted to having urges to talk with and meet minor children for sex. HONOHAN stated he knows he has a problem. As part of the interview, HONOHAN was asked to provide consent to allow investigators to search his cell phone which was seized during his arrest. HONOHAN provided

verbal and written consent and then provided the passcode for his electronic device.

19. After HONOHAN provided consent to search his cell phone, Detective Rickard took the Apple iPhone 7 Plus to the CCSO forensics lab where he performed a data extraction of the device. The Snapchat application had been uninstalled from the device on 01/21/2022 at 15:28:04, destroying data associated with the application. However, Detective Rickard was able to locate the username “gt_fo2020” and a passcode.

20. Detective Rickard also located the Whisper application with the username “Anon,” as well as the messages between HONOHAN and the undercover Whisper account utilized by Sweetsam during the undercover chat operation.

21. During further examination of the data extraction from HONOHAN’s device, Detective Rickard located “IMG_7120.jpeg.” The following is a description of the image:

File Name: IMG_7120.jpeg

Description: An image file that depicts a minor female, known to be Minor-1. Minor-1 appears to be seated in a room and is topless with her breasts exposed facing the camera. Minor-1’s face is visible in the image.

Create Date: 6/9/2021 12:20:37 PM

Make: Apple

Model: iPhone 7 Plus

GPS: 35.21404722 N, 80.27657222 W³

³ These coordinates populate at or around 10174 NC 138 Hwy, Concord, NC.

22. Detective Rickard spoke with Stanly County Probation after learning HONOHAN under supervision. Stanly County Probation then verified 10174 NC 138 Hwy, Oakboro, NC 28129 as HONOHAN's residence. Stanly County Probation confirmed they had visited HONOHAN at this residential address.

23. On January 22, 2022, Detective Fetzner received a call from Detective Hansen who had been reviewing jail phone calls for HONOHAN. While reviewing jail calls, Detective Hansen heard HONOHAN direct the individual on the other end of the call to login to his Dropbox⁴ account and delete the contents of that account. HONOHAN then provided the username and password for that account. Detective Rickard then obtained a state search warrant for the Dropbox account.

24. On January 25, 2022, Dropbox account records for email address "justdontknow56@yahoo.com" were received. The records included subscriber information as well as account content. During a review of the account content

⁴ Dropbox is a file hosting service operated by Dropbox, Inc., that offers cloud storage, file synchronization, personal cloud, and client software/web browser interface. Dropbox allows users to create a special folder on each of their computers, which Dropbox then synchronizes so that it appears to be the same folder containing the same content across multiple devices. Files placed in the folder are accessible through a web browser interface and client software on computers and mobile devices. It is known that Dropbox subscribers obtain an account by registering on the Internet via email.

various folders containing image and video files were located. Some of the folders were named in such a way as to appear to identify the person in the pictures and/or videos. The images and videos files in the folders displayed what appeared to be adults, nude or engaged in sexual activity; however, one folder had the title of Minor-1's first name.

25. This folder contained images and videos of a female who was later identified as Minor-1. The images located by Detective Rickard on HONOHAN's Dropbox account of Minor-1 displayed her breasts. One of these images appears to be the same image as that was located on HONOHAN's device, except that the face appeared to be scratched out using a photo markup tool. Video recordings of the female showed her engaged in vaginal intercourse with an adult male and performing oral sex on the adult male. Additionally, one image file in that folder appeared to be a screenshot from Snapchat displaying the user information for a specific Snapchat account later identified as belonging to Minor-1 (Minor-1's Snapchat).

26. In HONOHAN's Dropbox account, Detective Rickard located a folder titled with Minor-1's first name. Within that folder, Detective Rickard located seven videos of Minor-1 engaged in sexually explicit conduct. Five of these videos contained EXIF data consistent with the image of Minor-1's breasts "IMG_7120.jpeg:" Descriptions of four of the the videos are below:

- a. **File Name:** Video Jun 09, 12 38 46 PM.mov

Description: An approximately 16 second video file that depicts a minor female, known to be Minor-1. In the video, Minor-1 is lying on her back facing the camera and is topless with her breasts exposed. Minor-1 is rocking back and forth and appears to be having sexual intercourse with an adult male. Minor-1 can be heard moaning as the camera pans down toward her crotch area briefly. An adult male's voice is heard saying "who am I" before Minor-1 replies "daddy".

Create Date: 6/9/2021 4:38:46 PM

Make: Apple

Model: iPhone 7 Plus

GPS: 35.21440000 N, 80.27650000 W⁵

- b. **File Name:** Video Jun 09, 12 38 46 PM (1).mov

Description: An approximately 2 second video file that depicts a minor female, believed to be Minor-1. In the video, Minor-1 is lying on her back facing the camera and is topless with her breasts exposed. Minor-1 appears to be rocking back and forth having sexual intercourse with an adult male and can be heard moaning.

Create Date: 6/22/2021 6:44:07 PM

Make: Apple

Model: iPhone 7 Plus

GPS: 35.21440000 N, 80.27650000 W⁶

- c. **File Name:** Video Jun 09, 12 21 42 PM.mov

Description: An approximately 1 minute and 15 second video file that depicts a minor female, believed to be Minor-1. In the video, Minor-1 is performing oral sex on an erect adult male penis.

Create Date: 6/9/2021 4:21:43 PM

Make: Apple

Model: iPhone 7 Plus

GPS: 35.21400000 N, 80.27660000 W⁷

- d. **File Name:** Video Jun 09, 12 24 34 PM.mov

⁵ These coordinates populate at or around 10174 NC 138 Hwy, Concord, NC.

⁶ These coordinates populate at or around 10174 NC 138 Hwy, Concord, NC.

⁷ These coordinates populate at or around 10174 NC 138 Hwy, Concord, NC.

Description: An approximately 27 second video file that depicts a minor female, believed to be Minor-1. In the video, Minor-1 is performing oral sex on an erect adult male penis.

Create Date: 6/9/2021 4:24:35 PM

Make: Apple

Model: iPhone 7 Plus

GPS: 35.21390000 N, 80.27660000 W⁸

27. On February 1, 2022, Detective Rickard requested a Department of Homeland Security (DHS) Summons be sent to Snapchat for subscriber information for Minor-1's Snapchat identified from the Dropbox account folders.

28. On February 4, 2022, a state search warrant for the Snapchat account "gt_fo2020" was obtained and submitted to Snapchat.

29. On February 11, 2022, Detective Rickard received subscriber information obtained from Snapchat for Minor-1's Snapchat, including a phone number and email address associated with the account. The email address appeared to contain the first and last name of Minor-1. Through subsequent investigation, law enforcement obtained the name and contact information for Minor-1's mother (Parent-1) and set up a time to speak with Minor-1.

30. On February 17, 2022, Detective Rickard interviewed Minor-1 in the presence of Parent-1. During the interview, Minor-1 advised that she had been friends with a subject known on Snapchat as "gtfo". She said she did not

⁸ These coordinates populate at or around 10174 NC 138 Hwy, Concord, NC.

know his name but admitted to messaging with him since 2021. Minor-1 advised the Snapchat user had added her on Snapchat randomly and they then began chatting. She indicated that she told the user she was 17 and the user claimed to be 18 or 19.

31. Minor-1 advised the male requested her to send nude images of herself to him on Snapchat and that she did send him images of her breasts and vagina. During the interview, Detective Rickard showed Minor-1 sanitized images of herself, which were obtained from HONOHAN's Dropbox records return. She confirmed that she was the individual displayed in the images. Minor-1 also confirmed her Snapchat user information.

32. Based upon Minor-1's date of birth, and the date stamp of June 9, 2021, for the videos located in HONOHAN's Dropbox account, Minor-1 was 16 years old at the time the child pornography was produced.

33. On March 11, 2022, Detective Rickard received records from Snapchat for the account gt_fo2020 belonging to HONOHAN. Upon reviewing the processed records, Detective Rickard observed the messages between HONOHAN and the undercover Snapchat account used by Detective Rickard on January 21, 2022, during the undercover chat operation conducted by the CCSO.

34. There were also Snapchat messages between HONOHAN and Minor-1's Snapchat in the search warrant return. Several of these messages reveal HONOHAN had knowledge of Minor-1's age:

a. On March 31, 2021, HONOHAN states "I'm just paranoid Bc of your age".

b. On April 2, 2021, HONOHAN asks Minor-1 to take pictures with her friend. HONOHAN then asks if the friend can drive. Minor-1 responds saying "We too young." HONOHAN then responds "Lol u 16." HONOHAN further states "Unless u lying about that lol". Minor-1 then responds "No I am 16."

c. On April 3, 2021, Minor-1 asks HONOHAN "Do you even know my age". HONOHAN responds "16".

d. On May 15, 2021, HONOHAN asks Minor-1 "You don't think it's bad or wrong that a 32 yo wants to fuck a 16 yo."

35. On May 18, 2022, an HSI Forensic Interview Specialist conducted a forensic interview of Minor-1. During the interview, Minor-1 confirmed the information she had previously given in the previous interview, including HONOHAN's request for nude images of her and that she eventually sent him one. She also described the progression of her relationship with HONOHAN that developed into a sexual relationship.

CONCLUSION

37. Based on the foregoing, I respectfully submit there is probable cause to believe that on or about January 21, 2022, James Patrick HONOHAN possessed child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

Griffin Templeton

/S/ GRIFFIN TEMPLETON
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

~~Subscribed to and sworn before me this ___ day of August 2022~~

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.



THE HONORABLE JOI ELIZABETH PEAKE
UNITED STATES MAGISTRATE JUDGE

8/5/2022